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**By ECF and Courtesy Copy by Hand**

Honorable William H. Pauley, III  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

*Re: U.S. v. Gomez, 07 Cr 783 (WHP)*

Dear Judge Pauley:

On behalf of defendant Marino Reyes, I respectfully request, pursuant to Rule 30 of the Federal Rules of Criminal Procedure, that Your Honor include the following voire dire questions during jury selection. The reason for this request is because these additional questions will assist the Court with identifying potential bias in jurors and help in choosing a fair and impartial jury.

**DEFENDANT MARINO REYES'S PROPOSED VOIRE DIRE QUESTIONS**

1. This case involves allegations that the defendant was a member of a conspiracy to distribute drugs :
  - a. Have you ever heard of a conspiracy?
  - b. If so, where did you hear about it?
  - c. Could the fact that someone has had contact with someone who was in a conspiracy prevent you from being objective or fair and impartial in this trial?

2. This case involves a drug conspiracy, have you ever used any illegal drugs?
  - a. If so, which drug(s)?
3. Do you know anyone who has used illegal drugs?
  - a. If so, what is their relationship to you?
  - b. Which drug(s)?
4. Do you know anyone who died of an overdosed of drugs?
  - a. If so, what is their relationship to you?
  - b. Which drug?
5. Do you know anyone who was addicted to drugs?
  - a. If so, what is their relationship to you?
  - b. Which drug?
  - c. Could this factor prevent you from being objective or fair and impartial in this trial?
6. Do you know anyone who was injured or harmed by someone who was addicted to drugs?
  - a. If so, could this factor prevent you from being objective or fair and impartial?
7. Has anyone close to you ever been arrested for selling drugs?
  - a. If so, what is their relationship to you?
  - b. Which drug(s)?
  - c. Could this factor prevent you from being objective or fair and impartial in this trial?
8. Has anyone close to you ever been arrested?
  - a. If so, what is their relationship to you?
  - b. For what charge or crime?
9. Do you or anyone you know own a weapon or firearm?
  - a. If so, what is your relationship with this person?
  - b. Please describe the type of weapon or firearm.
10. Do you know anyone who was injured or harmed by a weapon or firearm?

- a. If so, could this factor prevent you from being objective or fair and impartial?
11. Are you or is anyone close to you studying or planning to work in law enforcement or any other federal, state or local government job?
- a. If yes, please explain.
12. Would someone's ethnic background affect your ability to be a fair and impartial juror?
13. In this case the defendant is a dark-skinned Hispanic, does this fact affect your ability to be a fair and impartial juror?
14. According to the law, the government has the sole burden of proving guilt beyond a reasonable doubt:
- a. Do you disagree with this law?
  - b. Would you have any problem following my instructions with respect to the law if you disagree with it?
15. I will be instructing you that, according to the law, a defendant has no burden of offering any proof:
- a. Do you disagree with this law?
  - b. Would you have any problem following my instructions with respect to the law if you disagree with it?
16. I will be instructing you that the defendant does not have to take the stand in his own defense:
- a. Do you disagree with this rule?
  - b. Would you have any problem following my instructions with respect to this rule if you disagree with it?
17. I will be instructing you that if a defendant does not testify, the jury cannot draw any conclusions against him because of the decision not to take the stand:
- a. Do you disagree with this law?
  - b. Would you have any problem following my instructions with respect to the law if you disagree with it?
18. I will instruct you that the defendant must be acquitted unless his guilt has been established by the government beyond a reasonable doubt

by reliable and credible evidence, and that he cannot be found guilty based on suspicion, guess or conjecture:

- a. Do you disagree with this law?
- b. Would you have any problem following my instructions with respect to the law if you disagree with it?

In addition, I respectfully request that the Court pursue a more detailed questioning if a particular juror's answer reveals a possible bias. If such further questioning is necessary, the Court is urged to ask whether the fact or circumstance in question would influence the juror in favor of the government or the defense, or against the government or defense.

I thank Your Honor for your time and consideration with this request.

Respectfully,

/s/

Ellyn I. Bank, Esq.

cc: AUSA Steve Kwok (via fax 212 637 2390)